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Jewish Legislation.

A Spirit of the Biblical Legislation, in Parallel with Talmud, Moralists, Casuists, New Testament, Ancient and Modern Law; Especially the Social and Political Institutions. By Rabbi MAURICE FLUEGEL. (Baltimore, 1893.)

AFTER the publication of many articles and essays on various questions, and more especially his monograph on "Thoughts on Religious Rites and Views" (1888), our author considers in the present book the Mosaic Legislation, compared with other Legislations, old and modern, Eastern and Western. We have no doubt that the present studies will be as favourably appreciated as his "Thoughts," etc., was by many scholars, amongst them the late Professor Franz Delitzsch and the Right Hon. W. E. Gladstone. The former wrote, amongst others, as follows:—"It is likely to prove a real enrichment of science. . . . It is a little book, rich in contents, and offering much material for reflection." Of the Prime Minister's letter, our author gives the following interesting quotation:—"It appears to be of great interest. Examining into the character of the Mosaic system, compared with others, all that throws light on this subject is *very welcome to me*."

"The scope of the present book is not," Mr. Fluegel says, "the same as that of Michaeli's *Laws of Moses*, or Salvador's *Institutions de Moïse*, or the Hebrew (Rabbinic?) *Taamé ham-Mitzwoth*, *Reasons for the Bible Commandments*, but rather as Montesquieu's *Esprit des Lois*. As that French writer took especially the Roman Law for his starting point, and at the hand (?) thereof discussed many of the modern legal codes, in nearly the same manner did I treat here of the Biblical legislation in constant parallel with modern laws and institutions. Particularly do these pages endeavour to find out the original Mosaic aims, ideas, and ideals concerning the political and social status of the people to be constituted; the State, the Church, the Society, and the Economic condition that legislation was intended for."

It is a great field, perhaps too great for 245 pages, which our author tries to open, but if development is not full enough, nothing has been neglected by him. He divides his book into four parts, of which we can only give the following list:—I. Of Man's Freedom. II. Social Equality. III. Equal Distribution of Wealth. IV. Solidarity of interest. Each part is divided into special sections, the enumeration of which would be tedious. Our author not only takes into consideration Greek and Roman legislation, Babylonian, Assyrian, and Persian views, the New Testament, the Koran, the Teutonic and Slavonic Laws, but especially the Rabbinical commen-

tators, and modern opinions, such as Salisbury, Chamberlain, Huxley, Herbert Spencer, Karl Marx, Bakunin, and others. Our author is perfectly aware of modern criticism of the Bible, and its result concerning what is called Mosaic Laws. He says:—"For nearly a quarter of a century, having had it as my calling to publicly interpret the Bible and its commentaries (Mr. Fluegel is one of the lecturers in Baltimore); fully well aware, with the best expounders, that part of its prescriptions belong to ages and circumstances in which they were originated, whilst part of them were framed for later centuries, some even for times yet to come,—I tried to elucidate here, not so much the matter thereof, as rather their final social, political, and ethical objects in view." The author might have added that half of the so-called Mosaic legislation never reached the state to be applied at all, and others had to be altered or abolished altogether when the Jews lost their political independence.

Whatever fault one might find in our book, it may be considered an original attempt at comparative and progressive legislation, and more especially on the social influence of religion on civil and criminal law. This is partly summarised in the last section, headed "The Bible and the Present Society." The author says: "No doubt our present society rests upon a solid Biblical foundation. The ideas of God, duty, and righteousness underlie our community, at least as an ideal. That God-ideal is monotheism; and righteousness, not force, is the sequel; both are Biblic[al]. Our modern religions are monotheistic. Polytheism, apparently, is dead among educated people." He enumerates further on how other ideas and conceptions are derived from the Bible, such as humanity, family, property, and more especially morality.

Mr. Fluegel's book is popular enough to be read and understood by the non-learned class of society too, and I hope that the painstaking author will be rewarded by the prospect of a second edition, which he will, I hope, enlarge by copious notes concerning his propositions, which are not always fully explained. A Hebrew translation of it would be useful for the Jews in Russia and in the East, the book elucidating the Jewish question especially.

Der Vertrag nach Mosaisch-Talmudischen Rechte (The Contract According to the Mosaico-Talmudic Law). By RABB. MOSES BLOCH (Programme of the Rabbinical School, Budapest, for 1892-3).

THIS subject has been completely neglected by Michaelis, and is but mentioned in a note, or very shortly in the text, by Saalschütz, Auerbach, and Fassel, in the respective books mentioned in our author's